

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ORLANDO ELLISON,

Plaintiff,

No. CIV S-03-1391 FCD JFM P

vs.

DR. NADIM KHOURY, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On June 9, 2006, defendant filed a motion to compel discovery responses. Defendant Bhagavan<sup>1</sup> seeks an order requiring plaintiff to respond without objection to defendant's first set of interrogatories and first request for production of documents, and an order deeming admitted defendant's first request for admissions. In opposition to the motion, plaintiff contends that he has been in "continuing pain" and suffering from a "worsening ailment," and he requests an additional period of thirty days in which to respond to the outstanding discovery.

Good cause appearing, defendant's motion to compel will be granted in part. Plaintiff will be given one period of thirty days from the date of this order in which to file and serve responses to defendant Bhagavan's first set of interrogatories, first request for production

<sup>1</sup> Defendant Bhagavan is the only defendant remaining in this action.

1 of documents and first request for admissions, all of which were served on plaintiff on or about  
2 April 3, 2006. Plaintiff is cautioned that failure to serve discovery responses in accordance with  
3 this order will result in an order deeming admitted each of the twenty-nine statements in  
4 defendant's request for admissions, and may result in imposition of sanctions including dismissal  
5 of this action.

6 In accordance with the above, IT IS HEREBY ORDERED that:

- 7 1. Defendant Bhagavan's June 9, 2006 motion to compel is granted in part;
- 8 2. Plaintiff is granted thirty days from the date of this order to file and serve  
9 responses to defendant Bhagavan's first set of interrogatories, first request for production of  
10 documents, and first request for admissions; and
- 11 3. Failure to comply with this order will result in an order deeming admitted each  
12 of the twenty-nine statements in defendant's request for admissions, and may result in imposition  
13 of sanctions including dismissal of this action.

14 DATED: September 29, 2006.

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17 UNITED STATES MAGISTRATE JUDGE